



39 01

DIVISION-CONTINUATION APPLICATION TRANSMITTAL

61581 U.S. PTO  
08828323

A

Docket No.: 19603/10213

Anticipated Classification of application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application

Examiner: K. Hendricks

Art Unit: 1814

#3/Pat. A  
F.R.  
7/30/97

Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX PATENT APPLICATION

This is a request for filing a [X] Continuation [ ] Divisional Application under 37 CFR 1.60, of pending prior application Serial No. 08/279,058 filed on July 22, 1994 of Michael O'Donnell for DNA POLYMERASE III HOLOENZYME

- [X] Enclosed is a copy of U.S. Patent Application Serial No. 08/279,058, filed July 22, 1994. I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The enclosed copy of the prior application as originally filed includes:

105 page(s) of specification, claims and abstract  
10 sheet(s) of drawings  
0 pages of declaration and power of attorney

If the copy of the declaration being filed does not show applicant's signature, complete the following:

- [X] In accordance with the indication required by 37 CFR 60(b) my records reflect that the original signed declaration showing applicant's signature was filed on October 15, 1994 (copy enclosed).

2. Amendments:

- [X] ☒ Cancel in this application original claims 2-4 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- [ ] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

- [X] Amend the specification by inserting before the first line, the sentence: "This is a [X] continuation, [ ] division of application Serial number 08/279,058, filed on July 22, 1994, <sup>2</sup> ~~29~~ US

6.0 u 11/30/98 Patent No. 5,668,004, which is a continuation-in-part of 07/826,926, filed on 1/24/92, now abandoned.

3. The Filing Fee is Calculated Below:

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

	(Col. 1)	(Col. 2)	SMALL ENTITY			LARGE ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXX	\$385	OR	XXXXXX	\$770
TOTAL CLAIMS	1 - 20 =	0	x 11 =	\$	OR	x 22 =	\$
INDEP CLAIMS	1 - 3 =	0	x 40 =	\$	OR	x 80 =	\$
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED			x130 =	\$	OR	x260 =	\$
*If the Total Claims are less than 20 and Indep. Claims are less than 3, enter "0" in Col. 2			TOTAL	\$385	OR	TOTAL	\$

4. Small Entity Status:

- [X] A verified statement that this filing is by a small entity:
- [ ] is attached
- [X] has been filed in the parent application (copy enclosed)  
and such status is still proper and desired (37 CFR  
1.28(a))

5. New [ ] formal, [ ] informal drawings are enclosed.

6. Priority -- 35 U.S.C. 119:

- [ ] Priority of application serial no. 0 / \_\_\_\_\_  
filed on \_\_\_\_\_ in \_\_\_\_\_ (country)  
is claimed under 35 U.S.C. 119.
- [ ] The certified copy has been filed in prior U.S. Application  
Serial No. 0 / \_\_\_\_\_ on \_\_\_\_\_.
- [ ] The certified copy will follow.

7. Assignment:

- [X] The prior application is assigned of record to Cornell Research  
Foundation, Inc.
- [ ] an assignment of the invention to \_\_\_\_\_ is attached.

8. Fee Payment:

- [ ] Not Enclosed
- [X] A check in the amount of \$385 is enclosed.
- [ ] A check in the amount of \$\_\_\_\_\_ to cover the  
assignment recording fee is enclosed.

A

- [X] The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

9. Power of Attorney:

- [X] The power of attorney in the prior application is to: George M. Yahwak, Registration No. 26,824

- a. [ ] The power appears in the original papers in the prior application.
- b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] A Revocation and Power of Attorney power has been executed and is attached.
- d. [X] Address all future communications to (may only be completed by applicant, or attorney or agent of record):

Michael L. Goldman  
Nixon, Hargrave, Devans & Doyle LLP  
Clinton Square  
P.O. Box 1051  
Rochester, New York 14603

10. Maintenance of Copendency of Prior Application

- [ ] A copy of the Request for Extension of Time filed in the pending prior application is attached.

Respectfully submitted,

Date: March 28, 1997

Karla M. Weyand  
Karla M. Weyand  
Registration No. 40,223

NIXON, HARGRAVE, DEVANS & DOYLE LLP  
Clinton Square, P.O. Box 1051  
Rochester, New York 14603  
Telephone: (716) 263-1508  
Telecopy: (716) 263-1600

A.